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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 JOSEPH COOPER,

7 Plaintiff,

8 v.

9 CAESARS ENTERTAINMENT CENTER,

10 Defendant.

Case No. 2:19-cv-02232-APG-DJA

11 **REPORT AND RECOMMENDATION**

12 The Court previously granted Plaintiff's request to proceed *in forma pauperis* and
13 screened the complaint pursuant to 28 U.S.C. § 1915. (ECF No. 9). It dismissed his original
14 complaint without prejudice for failure to state a claim on March 27, 2019 and granted him leave
15 to amend by April 17, 2019. *Id.* The Court stated, "**Failure to comply with this Order may**
16 **result in the recommended dismissal of this case.**" *Id.* To date, the Court has not received an
17 amended complaint or any request to extend the April 17, 2020 deadline for filing one.

18 **RECOMMENDATION**

19 Accordingly, the undersigned **RECOMMENDS** that this case be **DISMISSED** without
20 prejudice.

21 **NOTICE**

22 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
23 in writing and filed with the Clerk of the Court within (14) days after service of this Notice. The
24 Supreme Court has held that the courts of appeal may determine that an appeal has been waived
25 due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142
26 (1985), *reh'g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that (1) failure to file
27 objections within the specified time and (2) failure to properly address and brief the objectionable
28 issues waives the right to appeal the District Court's order and/or appeal factual issues from the

1 order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi*
2 *Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

3 DATED: April 27, 2020



DANIEL J. ALBREGTS
UNITED STATES MAGISTRATE JUDGE